

E-Filed 08/06/2010

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOE HAND PROMOTIONS, INC.,

No. C 10-0925 RS

Plaintiff,

v.

**ORDER RE: MOTION TO STRIKE;
ORDER REFERRING MATTER FOR
RELATED CASE DETERMINATION**

MICHAEL DAVID CARDOZE, et al.,

Defendants.

On May 05, 2010, plaintiff Joe Hand Promotions moved for entry of default against Michael Cardoze, doing business as Mike's Sports Bar. The Clerk's Office entered default on May 11, 2010. Michael Cardoze then filed a document captioned "Reply to Plaintiff's Request for Entry of Judgment" on June 14, 2010. Plaintiff filed a motion to strike that document as impertinent, immaterial and scandalous on July 02, 2010.

The Court cannot consider arguments or positions on the merits unless and until the defendant files a motion to set aside the entry of default pursuant to Federal Rule of Civil Procedure 55(c). Accordingly, the defendant's document will be disregarded. This matter is decided without oral argument pursuant to Civil Local Rule 7-1(b) and the hearing scheduled for August 12, 2010 is **vacated**.

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ORDER

1 Plaintiff also identifies in its motion to strike several other cases filed in this district by either
2 J&J Sports Productions, Inc. or Joe Hand Promotions against Michael Cardoze. According to the
3 papers, these cases also involve similar allegations. Pursuant to Civil Local Rule 3-12(c), this
4 matter is hereby referred to the Honorable Samuel Conti for a determination as to whether it is
5 related to *J&J Sports Productions, Inc. v. Cardoze*, C 09-4944 SC.

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8 IT IS SO ORDERED.

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10 Dated: 08/06/2010



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE